

WEDNESDAY, OCTOBER 26, 1864.

BARNETT & BARTH are agents for Grant's Express to La Paz and San Bernardino. They have late California papers.

MESSRS. BOWERS, sutlers at Fort Whipple, have removed into their new store—the old commissary building—and offer a large assortment of goods at fair prices.

HAY and other feed may now be had at the corral of Ronatree & Alsop, adjacent to their saloon. Persons visiting Prescott will find it a good place to bait their animals.

A young girl belonging to one of the families lately arrived from Texas, died at their camp near the Fort a few days since, and was buried in the Prescott cemetery.

VAN C. SMITH has returned from Zuni where he went with Mr. Johnson, Mr. Downing and Mr. Bingham, for stolen horses. Unfortunately the animals were re-stolen from him on the Little Colorado.

We take pleasure in calling attention to the advertisement of Buck & Cook, of La Paz, in another column, and we say to our friends, if you wish to enjoy a well ordered meal, and afterwards gently place a lip over an excellent cigar, you can do so at the Restaurant of the gentlemen mentioned.

MESSRS. Pennington and Parrish started with the Ft. Wingate and Santa Fe Express last evening. We hope they will be able on their return to bring some mail matter from the East. Thus far, the express has furnished no news whatever.

The grapes and apples brought by Mr. Freeman, for L. Laskye, at Ronatree's building, remind us of other days in the States. They are good, and though held at high prices, we note that most of our citizens have indulged in them to a liberal extent. Mr. Laskye has a large and well selected stock of goods. Call and see for yourselves.

CAPTAIN N. J. PISHON, formerly in command of the cavalry at Fort Whipple, has returned from California to that post, albeit his company is now in New Mexico. Capt. P. will probably remain here until the expiration of his term of service. His old friends are glad to see him looking so well, and wish him yet many years of comfort upon his pleasant ranch in the San Bernardino valley.

L. C. Gray, Esq., of La Paz, has returned there after a visit of several weeks in Prescott, where he has large interests. Mr. Gray is a chief man in the Central Road Company, chartered to sink wells upon, and otherwise to improve the Ehrenburg road to Weaver, and a branch from that road, via Date Creek, to this place. He will, in conjunction with Col. Tyson, Mr. Cunningham, and other corporators in the company, immediately begin work upon the road, and we hope for easy communication with La Paz at an early day.

STOVES.—Our friends abroad may form some idea of our climate from the fact that it became positively necessary to place stoves in the Legislative Halls to prevent the honorable members from suffering with the cold. In the absence of such articles in this market, other than those for cooking purposes, the Secretary bought some sheet-iron from Mr. Hardy, and in less than 24 hours Runk and Skilleorn, the honest blacksmiths, made two huge stoves after the old New England school-house pattern. They work to a charm and are likely to prolong the session of the Legislature.

MR. GEO. E. FREEMAN, of Los Angeles, arrived here last week, with a train containing a variety of goods for our merchants, and a supply of paper and type for the Miner office. Mr. Freeman left Los Angeles on the 12th of September. He thinks the road from Mohave here a hard one as at present, but that it may be made easy at a reasonable outlay. We trust the company chartered by the Legislature, for its improvement, will begin operations at once. Mr. F. started on his return to Los Angeles yesterday. We wish him a pleasant trip, and he has our thanks for the care and promptness with which he brought a much needed addition to our office—stock which we had ordered from San Francisco in July last.

EXCEPTION has been taken to an item in our last alluding to our late trip to the Southern country in that we gave no account of Tucson. The crowded state of our columns, and rush of work for the Legislature, caused us to omit to mention that ancient and honorable town. Our entertainment there was all we could ask, and we made the acquaintance of many genial good fellows. Soon after our arrival we were met by Major D. H. Stickney, a retired army officer, once stationed at Fort Yuma, and now a member of the Territorial Legislature, who inducted us into the mysteries of the town. Remembering the Governor's excellent injunction, "Be virtuous and you will be happy," we were enabled to withstand the temptations placed in our way by the fascinating Stickney. We are glad to acknowledge the good treatment received there and to wish unbounded prosperity to the oldest and best known town in the Territory. The climate of Tucson is rather fervent, owing, perhaps to the many charming señoritas. The baile or fandango is revered there as a pre-historic institution, and the church rejoices in "round fat oily men of God," not unlike to our good Padre Fleury. For virtue and piety commend us to Tucson.

A COMPANY of cavalry is on the road from Fort Wingate to Fort Whipple, also a large supply train.

TO-DAY we print the decision of Judge Allyn in the Vulture Lode case. The quotations from mining laws of Spain are important.

JOHN DICKSON and Thomas Hodges have their new saloon, "The Pine Grove," in full blast, with abundant liquors and a good billiard table.

THANKS TO COL. WOOLSEY AND HIS MEN.—Both Houses of the Legislature have unanimously adopted resolutions thanking Col. Woolsey and his men for their expeditions. They were introduced in the Council on the 18th inst., by the Hon. Henry A. Bigelow. We will only say that they speak the sentiments of our people, who owe a debt of gratitude to the Colonel and his gallant followers, for which they would gladly make a more substantial return were it in their power.

INTERESTING LECTURES.—Early in the session of the Legislature, Gen. W. Claude Jones, Speaker of the House, was invited, by joint resolution, to deliver a lecture, or lectures, before the Legislature upon the Resources of Arizona. The first of these lectures was given on Friday evening last, in the Hall of Representatives. The members of both Houses, the Territorial officials and most of the residents of Prescott were in attendance, including a number of ladies whose presence we need not say added grace and interest to the occasion.

The General dwelt chiefly upon the rivers and mountains of the Territory, which he described with much minutia of detail. His next lecture is to be upon the early history of the Territory, and will be delivered to-morrow evening. It will doubtless be an exhaustive discourse, and all who have an interest in the subject should hear it.

By invitation of the Legislature, Secretary McCormick will lecture in the Council Chamber, some evening next week.

The Legislature is working vigorously. The most of the Howell Code is already adopted. A motion to locate the Capital at Tucson, made in the Council, was lost by a tie vote. A motion to fix it at Prescott was carried in the lower house by a vote of 9 to 7. It is not probable that a permanent location will be made by this Legislature. Henry W. Fleury, private secretary to the Governor, has been chosen Chaplain of both houses. The selection has caused much merriment in Prescott, and was brought about by the persistent efforts of a party, not liked by the members, to secure the position. Mr. Fleury makes no claim to the sacred office, but we presume that will be of little consequence to our legislators. As yet the Legislature has passed no mining law, but one is under preparation. We hope in our next to give a list of all the acts passed.

REV. MR. READ, postmaster at Prescott, having received instructions from the Post Office Department at Washington to furnish information and diagrams of the various proposed mail routes in Arizona and Southern California, will leave for the East in a few days, and it is hoped that we shall have adequate mail facilities here within a few months. Mr. Read will also attend to any other business in New York and Washington which may be intrusted to him. During his absence Mr. George M. Holaday will be his agent, and attend to his business here. Judge Holaday has been appointed deputy postmaster in Prescott.

The latest paper in town is the Alta California of October 1st, brought here by Colonel Tyson. The war news is highly favorable to the Federal arms. Generals Sheridan and Averill had defeated Generals Early and Breckinridge (Confederates) in the Shenandoah Valley, Virginia, and taken many thousands of prisoners. Greenbacks were worth 57 1-2 cents in San Francisco. Generals Fremont and Cochrane had both withdrawn from the Presidential contest. Montgomery Blair had resigned the office of Postmaster General, and ex-Governor Dennison of Ohio was appointed in his stead. This will be good news to the Territories, toward which Mr. Blair never pursued a liberal policy.

## AMERICAN RESTAURANT.

CORNER OF LANDER STREET,  
Opposite the Store of Drachman & Goldberg,  
LA PAZ, ARIZONA.

THE undersigned, having established a Restaurant in La Paz, take this method of informing the public that all those who desire a good meal, neatly prepared and served, followed by a prime cigar, can be accommodated by

BUCK & COOK.  
October 12, 1864. t15f

## BLANKS FOR MINERS

Now ready at the office of the ARIZONA MINER, Prescott, and sent by mail or express to all parts of the Territory.

BLANK DEEDS, for the conveyance of Lode claims.

## THE VULTURE LODGE.

[CONCLUDED FROM FIRST PAGE.]

the principal code of the Republic upon that subject. These ordinances provide that persons discovering one or more mineral hills absolutely new, in which there is no mine or trial pit, open, may acquire in the principal vein, which they may select, three pertenencias, continuous or interrupted, according to certain prescribed measurements, and if they have discovered more than one vein, they may have one pertenencia for each, to be determined and marked out within the term of ten days. Such persons who desire to secure the benefit of these provisions are required to present themselves, with a written statement, before the mining deputation of that Territory, or the nearest one, should there be none there, stating in it their names, and those of their partners, if they have any, the place of their birth, their residence, profession, and employment, and the most particular and distinguishing features of the place, hill, or vein of which they ask adjudication, all of which circumstances and the hour in which the discoverer presents himself, shall be noted in a book of registry, which the mining deputation and notary, if there be one, shall keep, and this being done, his written statement shall be returned to him attested for his due security. Notices are then to be affixed to the doors of the church, the government houses, and other public places of the town, for due information, and the command is that the discoverer within ninety days, shall make or cause to be made, on the vein or veins of his registry, a pit or well (pozo) of one and a half varas in diameter at its mouth and ten varas deep, and that as this shall be done, one of the deputies shall personally go, accompanied by the notary, if there be one, and if there be none, by two assisting witnesses and by the professional mining expert of that department, to inspect the course and direction of the vein, its width, its dip or inclination to the horizon, called lay or slope, its hardness or softness, the greater or lesser solidity of its sides, and the kind or principal indications of the mineral, taking an exact account of all this, in order that it may be added to the corresponding part of his registry, with the evidence of possession, which shall be immediately given to him in the name of the Sovereign, measuring to the party his pertenencias, and causing him, as required in the subsequent directions of the ordinance, to fix stakes in his boundaries. Following these regulations, and as the conclusion of the article in which they are contained, it is ordained to the effect, that when all this is done there will be delivered to them an attested copy of the proceedings as a corresponding title.

Contestants appearing during the ninety days may prefer a counter claim, and in that event it becomes the duty of the tribunal to adjudge the right to him who shall make the better proof, but no one shall have any right to be heard unless he shall appear within that time.

Strict compliance with the law is required, as appears by all the writers upon the subject, and the thirteenth article of title nineteen provides in effect that the regulations shall be executed with the greatest exactness, precisely as they are written and intended.

Supreme Court of the United States, New Almaden case.

Does the complaint allege a compliance with these provisions of the ordinances under which it avers the Vulture lead was located? It says "the said ledge runs in an east and west direction, inclining to the north-west and south-east, and was located commencing from the extreme croppings on the east end of the ledge, at the point of the ridge; four claims were located, of two hundred varas each, one for each of the discoverers aforesaid, and an additional pertenencia for the discovery, along the main course of said ledge, according to the mining laws aforesaid, embracing an extent of eight hundred varas long by two hundred wide. That the said mining laws were complied with as far as could be, owing to the absence of legal organizations and proper tribunals in the Territory."

The absence of "legal organizations and proper tribunals in the Territory" can scarcely be presumed to have prevented the attempt at least, to sink the shaft or well, specifically required by the mining laws alleged to exist and be in force in this Territory. There is no allegation that such work ever was attempted, or that there existed any obstacle to prevent its being done.

The absence of "legal organizations and proper tribunals" would excuse a failure to register the mine, because the law does not require impossibilities, but the moment the impossibility is removed, it becomes then most clearly the duty of those desiring to acquire rights under the law, to obey the law. Was this done?

On the 30th of December, A. D. 1863, the Governor's proclamation announced his arrival and the establishment of civil government in Arizona. On the 9th of April, A. D. 1864, by proclamation, the Judicial Districts were formed and the Judges respectively assigned to them. In May a term of the District Court was held at Tucson, in the 1st District, and in June one at La Paz, in the 2d District.

If Van Bibber, Rusk, and Wickenburg then designed to locate the Vulture lead under the provisions of the mining laws of Spain and Mexico, why did they neglect to register this mine when they had the opportunity. Two months after the Judicial Districts were defined, Rusk executes the conveyance of all his right, title, claim and interest in and to the Vulture lead, and yet there is no averment that any registry had then been made, anywhere, of this

mine. Registry is the indispensable prerequisite of any title to a mine under the Spanish law.

"Properly speaking says Gamboa, the register is the book in which deeds and grants are entered for perpetual remembrance thereof, so that if they be lost, torn or defaced, or if any question be raised as to their identity, or authority, recourse may be had to such book. Registry, says the same author, is the basis of a title to a mine, and the attributive cause of the subjects right of property in it, the crown having subjected the the proprietor to this obligation, when they made the mines common, so that no mine can be lawfully worked until registry is made, without which it is liable to be registered by any other person—the form of the ordinance not being complied with. Although that commentary was written before the date of the ordinance which must furnish the guide in this case, still the views of the writer have an important bearing upon the question presented, as showing the universality of the rule, that not even the discoverer can acquire any title to a mine without registry."

Supreme Court United States, New Almaden case.

It is not necessary for the purpose of determining the question raised by this prayer for a writ of injunction, to pass upon the question whether the mining laws of Spain and Mexico, are in force in this Territory. It is sufficient that the complaint itself does not show that those laws have been sufficiently complied with, to vest in the complainants such a right of property in the Vulture lead, as to call for the extraordinary exercise of the chancery powers of this Court in granting a writ of injunction. The prayer for the writ of injunction is therefore denied.

ALLEN, J.

## WALKER MINING DISTRICT.

At a meeting of the miners of Walker Quartz Mining District, held on the second day of October, 1864, the following supplementary resolutions were adopted:

1. Resolved, That any person holding a quartz location of two hundred feet within this district, who has or may hereafter sink on the same a shaft three feet wide, four feet in length, and two feet deep, running with the ledge, the same shall be equivalent to twelve days labor, as required by Article 13 of the by-laws of this district; or if the same is held by a company, for every additional member thereto the sinking of one foot deeper in said shaft will be required;—in order to perpetuate the titles to the same.

2. Resolved, That the labor required by resolution 1, passed at this meeting, shall be performed within six months from this date.

3. Resolved, That the Recorder is hereby authorized to issue certificates of title to any person or persons who may have complied strictly with the provisions of resolutions 1 and 2, passed at this meeting, for which he shall receive the sum of one dollar and fifty cents, measuring the shaft and work included.

A. W. ADAMS, Recorder.

Lyax Creek, October 4, 1864.

## MEETING OF LAND CLAIMANTS.

At a meeting held in Spring Valley on the evening of October 9th, 1864, Joseph Ehle, Esq., was called to the chair, and Robert Dixon appointed Secretary.

On motion the following resolutions were adopted:

Resolved, This district shall be known and called Spring Valley District.

Resolved, That the size and extent of this district shall be six miles square.

Resolved, That the surveying and staking of claims shall be sufficient to hold said claims good for thirty days.

Resolved, That each claim holder shall do or cause to be done fifty dollars worth of labor, or make improvements to that amount, within ninety days after locating such claim, which having been performed, shall hold the claim good until the first day of May, 1865. But in case any claimant or claimants shall fail to comply with the foregoing requirements, he or they shall forfeit his or their rights to such claim or claims.

Resolved, That all disputes arising between claim holders in this district shall be settled in the said Spring Valley District.

Resolved, That the proceedings of this meeting be published in the ARIZONA MINER.

On motion the House adjourned.

JOSEPH EHLE, Chairman.

ROBERT DIXON, Secretary.

## WILLOW SPRING RANCH.

The subscribers have permanently located at Willow Springs, 75 miles from Prescott, on the Mohave road, and are now prepared to receive and entertain the travelling public. The table will be always well supplied, and safe and convenient corrals, with feed for animals, will soon be prepared.

J. HUNDREDMARK & CO.  
October 24, 1864. 15\*84

## PARTNERSHIP DISSOLUTION.

Notice is hereby given, that the co-partnership heretofore existing between Gabriel Sabredra and William Skilleorn, in the Blacksmithing and Wagon Making business, is this day dissolved by mutual consent.

GABRIEL SABREDRA

WILLIAM SKILLEORN

Prescott, October 19, 1864.